

REMARKS

1. Introduction

In the Office Action mailed March 25, 2008, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Oulid-Aissa et al., U.S. Patent No. 5,687,363 (“Oulid”) in view of Tso et al., U.S. Patent No. 6,385,602 (“Tso”).

The Examiner rejected claims 2, 3, 6, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, further in view of Mastronardi, U.S. Patent No. 6,346,951 (“Mastronardi”).

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, further in view of Proehl et al., U.S. Patent No. 6,118,450 (“Proehl”).

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, further in view of Teng et al., U.S. Patent No. 5,930,473 (“Teng”).

The Examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, further in view of Wehmeyer, U.S. Patent No. 6,031,795 (“Wehmeyer”).

The Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, further in view of Wehmeyer, yet further in view of Sampson, U.S. Patent No. 5,390,113 (“Sampson”).

The Examiner rejected claims 11-13 and 16-19 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, Wehmeyer, Mastronardi, and Sampson.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, Wehmeyer, Mastronardi, Sampson, and further in view of Proehl.

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Oulid in view of Tso, Wehmeyer, Mastronardi, Sampson, and further in view of Teng.

For the reasons set forth below, Applicants request reconsideration and allowance of the application.

2. Response to Claim Rejections

a. Claims 1-10

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 103(a) as being unpatentable over Oulid in view of Tso. In response, Applicants submit that the Examiner's rejection is improper and should be withdrawn because the Examiner has misread Tso, as set forth below.

Claim 1 recites, *inter alia*, "identifying at least one selection criterion for selecting *N* metadata records from the overall collection." The Examiner has admitted that Oulid does not disclose "selecting *N* records." *See* Office Action, p. 3. Instead, the Examiner has relied on Tso. In particular, the Examiner has argued that Tso discloses, at col. 4, lines 64-66, "the engine retrieving a specified minimum number of search results, where *N* reads on the minimum number of search results." *See* Office Action, p. 4.

However, Applicants respectfully submit that the Examiner has misread Tso. Tso's reference to a "minimum number" does not mean that the search engine returns at least the "minimum number" of search results. To the contrary, Tso describes what happens if the search returns *less* than the minimum number of search results:

If the number of matching data items are below a minimum threshold, then dynamic categorization is not used and traditional presentation approaches are used instead.

See col. 4, line 66 – col. 5, line 2. Thus, the “minimum number” in Tso does not correspond to the *N* recited in claim 1 because Tso’s “minimum number” does not determine how many records are selected. Instead, Tso’s “minimum number” is used to evaluate search results that are obtained based on other search criteria. Specifically, the “minimum number” in Tso is used only to determine whether or not dynamic categorization is used to present the search results, i.e., whether or not the number of matching data items from the search is below the minimum threshold. Therefore, Tso does not make up for the acknowledged deficiency in Oulid.

Accordingly, Applicants submit that claim 1 is allowable over Oulid and Tso for at least the foregoing reasons. Applicants further submit that claims 2-10 are allowable for at least the reason that the claims are dependent on an allowable claim.

b. Claims 11-19

Of these claims, claim 11 is independent. The Examiner has rejected claim 11 under § 103(a) as being unpatentable over Oulid in view of Tso, Wehmeyer, Mastronardi, and Sampson. In response, Applicants submit that the Examiner’s rejection is improper and should be withdrawn because the Examiner has misread Tso, as set forth below.

Claim 11 recites, *inter alia*, “merging the remote set and the local set to produce a merged set of *N* metadata records.” The Examiner has admitted that Oulid does not disclose “producing a set of *N* metadata records” and has instead relied on Tso. See Office Action, p. 12. In particular, the Examiner has argued that the *N* recited in claim 11 reads on the “minimum number” described in Tso. However, as discussed above for claim 1, Tso does not use the term “minimum number” to mean that at least a “minimum number” of search results are obtained. Instead, the “minimum number” is used to evaluate the search results that are obtained based on other search criteria. Specifically, Tso discloses that dynamic categorization is used to present

the search results, unless the number of matching data is below the minimum threshold number.

See col. 4, line 66 – col. 5, line 2.

Thus, Applicants submit that Tso does not make up for the acknowledged deficiency in Oulid. Applicants further submit that Wehmeyer, Mastronardi, and Sampson also fail to make up for the deficiency in Oulid.

Accordingly, Applicants submit that claim 11 is allowable over Oulid, Tso, Wehmeyer, Mastronardi, and Sampson for at least the foregoing reasons. Applicants further submit that claims 12-19 are allowable for at least the reason that they are dependent on an allowable claim.

3. Conclusion

Applicants submit that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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By: Richard A. Machonkin
Richard A. Machonkin
Reg. No. 41,962